

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

RAMON ARAGON, *et al.*,

Defendants.

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69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Rio Cebolla, Section 3

Subfile No(s).

CHCB-007-0005

ORDER GRANTING DEFAULT JUDGMENT

This matter is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's November 13, 2003 Motion for Default Judgment (Docket No. 7314) in subfile CHCB 007-0005. The Court, being fully advised, finds that the State's motion is well taken and should be GRANTED.

The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants named below have been legally served with process or have waived service of summons.
3. The defendants named below have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.
4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System, Section 3, Rio Cebolla (August 11, 2000) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants named below in the above-styled and captioned cause

7318

are as follows:

HEIRS OF GILBERTO MARTINEZ

Subfile No.: CHCB-007-0005

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 2631

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: RINCON BLANCA DITCH

Location X: 1,578,548 feet **Y:** 2,012,107 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 15, Township 26N, Range 04E, N.M.P.M.

Pt. NE¼	4.8 acres
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Total	4.8 acres
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As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-007-0005

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:


SPECIAL MASTER



Legend

- Irrigated Tract Boundary
- No Right Tract Boundary
- Operable Ditch
- Inoperable Ditch
- Stock Pond / Reservoir
- Point of Diversion
- ⊙ Fallow

Scale
1 inch = 300 feet

100 0 100 200 300 Feet



STATE OF NEW MEXICO
Office of the State Engineer
Thomas C. Turney, State Engineer

Rio Chama Hydrographic Survey
RIO CEBOLLA SECTION

Subfile Number
CHCB-007-0005
Rincon Blanca Ditch
AMENDED Jan. 3, 2002

